

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: IV. F.

From: Chad A. Millner, PE, Director of Engineering

Action ☒

Discussion ☐

Date: March 18, 2014

Information ☐

Subject: Approve Release of Public Improvement and Special Assessment Agreement,
5017 W. 56th Street

Action Requested:

Authorize Mayor and City Clerk to approve attached Release of Public Improvement and Special Assessment Agreement for 5017 West 56th Street.

Information / Background:

On Oct. 11, 2012, the property owner entered into a Public Improvement and Special Assessment Agreement. The property owner has requested that the City release the subject property from the Public Improvement and Special Assessment. The property owner has paid the special assessment referenced in the Special Assessment Agreement.

Staff recommends approval of the release.

Attachments:

1. Release of Public Improvement and Special Assessment Agreement
2. Public Improvement and Special Assessment Agreement

\\ED-NT8\EngPubWks\PW\CENTRAL SVCS\ENG DIV\PROJECTS\CONTRACTS\2012\ENG 12-4 Richmond Hills\SS471\Release of Agreements\5017 56th St

(Reserved for Recording Data)

RELEASE OF PUBLIC IMPROVEMENT AND SPECIAL ASSESSMENT AGREEMENT

RECITALS:

A. The City of Edina, a Minnesota municipal corporation (hereinafter referred to as “City”), and Ronald Pray, a single person, (hereinafter referred to as “Property Owners”) entered into a Public Improvement and Special Assessment Agreement dated October 11, 2012, and filed for record with the Hennepin County Recorder on April 26, 2013, as Document No. A09944845 over property legally described on the attached Exhibit A (hereinafter referred to as the “Subject Property”);

B. The City has been requested by Property Owners to release the Subject Property from the Public Improvement and Special Assessment Agreement; and

C. The Property Owners have paid the special assessments referenced in the Special Assessment Agreement.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Public Improvement and Special Assessment Agreement filed for record with the Hennepin County Recorder as Document No. A09944845 is hereby released.

Dated: _____

CITY OF EDINA

BY: _____
James Hovland, Mayor

AND _____
Debra Mangen, City Clerk

STATE OF MINNESOTA)

)ss.

COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 18th day of March, 2014, by James Hovland and Debra Mangen, respectively the Mayor and City Clerk of the City of Edina, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Campbell Knutson
Professional Association
1380 Corporate Center Curve, Suite #317
Eagan, Minnesota 55121
(651) 452-5000
AMP/cjh

EXHIBIT A

Lot 4, Nylund's Place, Hennepin County, Minnesota.



Doc No **A09944845**

Certified, filed and/or recorded on

4/26/13 12:00 PM

Office of the County Recorder

Hennepin County, Minnesota

Martin McCormick, County Recorder

Mark V. Chapin, County Auditor and Treasurer

Deputy 21

Pkg ID 963533M

Doc Name: Assessment Agreement

Document Recording Fee	\$46.00
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<i>Document Total</i>	\$46.00
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**PUBLIC IMPROVEMENT
AMD
SPECIAL ASSESSMENT AGREEMENT**

AGREEMENT made this 11th day of October, 2012, by and between the **CITY OF EDINA**, a Minnesota municipal corporation ("City") and **RONALD PRAY**, a single person (the "Property Owner").

RECITALS

A. Property Owner is the owner of Lot 4, Nylund's Place, Hennepin County, Minnesota, having a street address of 5017 West 56th Street, Edina, Minnesota (the "Subject Property").

B. The City has requested that Property Owner replace the existing sewer service line(s) from the trunk sanitary sewer pipe to the right-of-way line on the Subject Property ("Public Improvement") and also consider replacing water service line from the stop box in conjunction with City Project No. ENG 12-4.

C. Property Owner has replaced his sewer and water and has requested that the City assess the cost of the Public Improvement against the Subject Property.

NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL COVENANTS THE PARTIES AGREE AS FOLLOWS:

1. **PUBLIC IMPROVEMENT.** The Owner received a quote of \$6,925.00 (the "Project Cost") from Benjamin Franklin Plumbing, 1424 Third Street North, Minneapolis, Minnesota 55411 (the "Contractor") to construct the Public Improvement. Property Owner entered into a contract with the Contractor to construct the Public Improvement and Purchase Order No. 1088 was issued to the Contractor. The work is completed and the Contractor has submitted an invoice to the City referring to Purchase Order No. 1088 for the amount of \$6,925.00. The City is in receipt of a lien waiver for the work performed and will pay the Contractor.

2. **SPECIAL ASSESSMENT.** The City will assess the Project Cost in the amount of \$6,925.00 against the Subject Property. The Project Cost will be assessed under the same terms as City Project No. ENG 12-4. The Property Owner waives any and all procedural and substantive objections to the special assessments and to the Public Improvement and to City Project No. ENG 12-4, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the Subject Property. The Property Owner waives any appeal rights otherwise available pursuant to Minn. Stat. § 429.081.

3. **BINDING EFFECT; RECORDING.** This Agreement shall be binding upon the Property Owner and the Property Owner's successors and assigns. This Agreement may be recorded against the title to the Subject Property.

(SEAL)

CITY OF EDINA

BY:

James B. Hovland, Mayor

AND

Scott H. Neal, City Manager

STATE OF MINNESOTA)

(ss.

COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 19th day of Feb., 2012, by James B. Hovland and by Scott H. Neal, respectively the Mayor and City Manager of the City of Edina, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.



Sharon M. Allison

NOTARY PUBLIC

PROPERTY OWNER:

Ronald Pray

Ronald Pray

STATE OF MINNESOTA)

(ss.

COUNTY OF Hennepin)

The foregoing instrument was acknowledged before me this 11th day of October, 2012 by Ronald Pray, a single person.

Sharon M. Allison

NOTARY PUBLIC

DRAFTED BY:
CAMPBELL KNUTSON
Professional Association
317 Eagandale Office Center
1380 Corporate Center Curve
Eagan, Minnesota 55121
Telephone: (612) 452-5000
RNK:srn

